

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA
CHARLESTON DIVISION**

IN RE: ETHICON, INC. PELVIC REPAIR SYSTEM PRODUCTS LIABILITY LITIGATION	Master File No. 2:12-MD-02327 MDL No. 2327
THIS DOCUMENT RELATES TO:	
WAVE 1 CASES ON ATTACHED EXHIBIT A	JOSEPH R. GOODWIN U.S. DISTRICT JUDGE

**PLAINTIFFS' MEMORANDUM OF LAW IN SUPPORT OF THEIR *DAUBERT*
MOTION TO EXCLUDE OR TO LIMIT THE OPINIONS AND TESTIMONY OF
TERI A. LONGACRE, M.D.**

Plaintiffs hereby file Plaintiffs' Reply in Support of Plaintiffs' Daubert Motion to Exclude the Opinions and Testimony of Teri A. Longacre, MD.

ARGUMENT

Defendants do not dispute that Dr. Teri Longacre is not an expert on pelvic mesh products, mesh design or the physical properties of mesh. Indeed, Ethicon has agreed not to elicit opinions on these issues from Dr. Longacre, eliminating much of the opinions she offered in her expert report. Def. Br. at 4 and Pl. Br. at 3-5. For the most part, all that remains of Dr. Longacre's opinions are her criticisms of Plaintiffs' expert, Dr. Iakovlev. Defendant argues that Dr. Longacre's opinions should not be excluded on the grounds that they criticize Dr. Iakovlev.¹ But the problem with Dr. Longacre's proffered testimony is that it includes nothing more than blanket assertions that are not based on any scientific methodology. *See e.g.*, Pl. Motion Ex. B, Longacre Report at 9-12. The Court should not admit such testimony. When opinions, even in

¹ In its response, Defendants include reference to the purpose of rebuttal experts. Def. Br. at p. 6-7. Plaintiffs note that Dr. Longacre was not specifically disclosed as a rebuttal expert in these cases. To the extent that his testimony is permitted by this Court, it should be limited purely to rebuttal testimony.

the form of criticisms, have no reliable scientific basis, “[t]his *ipse dixit* does not survive Daubert’s scrutiny.” *Eghnayem v. Boston Sci. Corp.*, 57 F. Supp. 3d 658, 701, 2014 U.S. Dist. LEXIS 152457, *92 (S.D. W. Va. 2014).

CONCLUSION

For the reasons stated herein, Dr. Longacre’s testimony should be excluded.

Dated: May 16, 2016

Respectfully submitted,

/s/Bryan F. Aylstock

Bryan F. Aylstock, Esq.

Aylstock, Witkin, Kreis and Overholtz, PLC

17 East Main Street, Suite 200

Pensacola, Florida 32563

(850) 202-1010

(850) 916-7449 (fax)

E-mail: baylstock@awkolaw.com

CERTIFICATE OF SERVICE

I hereby certify that on May 16, 2016, I electronically filed the foregoing document with the Clerk of the court using CM/ECF system which will send notification of such filing to the CM/ECF participants registered to receive service in this MDL.

Respectfully submitted,

/s/Bryan F. Aylstock

Bryan F. Aylstock, Esq.

Aylstock, Witkin, Kreis and Overholtz, PLC

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Pensacola, Florida 32563

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